

**REMARKS**

Claims 1-35 are pending in the above-identified application. As indicated on pg. 2 of the Office Action, claims 1 and 3-31 have been withdrawn from further consideration. Accordingly, claims 2 and 32-35 are the only claims examined in the present Office Action. The Examiner has indicated that claims 2 and 34 are rejected under 35 U.S.C. § 102(b), and claims 2 and 32-35 are rejected under 35 U.S.C. § 102(e).

**Rejections under 35 U.S.C. § 102(b)**

Claims 2 and 34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/04547 to Morita et al. (“Morita”) (English Equivalent: Morita et al. U.S. Pat. No. 6,577,471).

**A. Claim 2**

Applicant submits that claim 2 is patentable over the cited reference. For example, claim 2 recites that the first portion of the accommodation portion has at least one projection for retaining the noncontact-type memory, the at least one projection extending from one of a first and second movement prevention rib. Further claim 2 recites that the first and second movement prevention ribs are formed discrete from side wall portions of the recording medium cartridge.

Morita discloses a triangular portion where the noncontact-type memory 30 is disposed (Fig. 2). The triangular portion is partially formed by the circular ribs 29 (Fig. 1). However, even if Applicant assumes *arguendo* that the circular ribs 29 form a type of movement prevention rib, the circular ribs 29 formed inside the cartridge 1 of Morita do not have a projection for retaining the memory 30 (Fig. 1). Rather, the only projection for retaining the

noncontact-type memory 30 of Morita is shown in Fig. 7. However, such projection(s) are attached to an outer wall and a bottom wall of the cartridge, rather than to the circular ribs 29.

Accordingly, Applicant submits that claim 2 is patentable over the Morita reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claim 34**

Since claim 34 is dependent upon claim 2, Applicant submits that such claim is patentable at least by virtue of its dependency.

**Rejections under 35 U.S.C. § 102(e)**

Claims 2 and 32-35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,674,599 to Rae et al. (“Rae”).

**A. Claim 2**

Applicant submits that claim 2 is patentable over the cited reference. For example, claim 2 recites that the first portion of the accommodation portion has at least one projection for retaining the noncontact-type memory, the at least one projection extending from one of a first and second movement prevention rib.

The Examiner maintains that the first and second outer walls of the tape cartridge 200, which are formed at the triangular shaped corner portion, disclose the claimed first and second movement prevention ribs (pgs. 4 and 5 of Office Action). However, even by assuming

*arguendo* that the outer walls form a type of movement prevention rib, the reference fails to disclose a projection formed on either wall which retains the memory 300. For example, the reference merely discloses that, “[t]he memory device 300 is positioned near a periphery of the casing and within the casing...” (col. 8, lines 16-17). Similarly, the figures of Rae fail to depict the existence of a projection.

Accordingly, Applicant submits that Rae fails to teach or suggest each and every feature recited in claim 2, and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claim 32**

Since claim 32 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

**C. Claims 33 and 34**

Since claims 33 and 34 are dependent upon claim 2, Applicant submits that such claims are patentable at least by virtue of their dependency.

**D. Claim 35**

Since claim 35 contains features that are analogous to the features recited in claim 2, Applicant submits that claim 35 is patentable over the cited reference for at least analogous reasons as presented above.

**Newly Added Claims**

Applicant has added claims 36-42 to provide more varied protection for the present invention. Applicant submits that such claims read on the species elected for prosecution.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino  
Registration No. 48,294  
Date: July 12, 2004

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER